



October 30, 2008.

**The Honorable Kevin J. Martin**  
**Chairman**  
**Federal Communications Commission**  
**445 12th Street, NW**  
**Washington, DC 20554**

**Re: ET Docket No. 04-186 (Unlicensed Operation in the TV Broadcast Bands ET  
Docket No. 02-380 (Additional Spectrum for Unlicensed Devices Below 900  
MHz and in the 3 GHz Band)**

Dear Chairman Martin:

On behalf of the Cámara Nacional de la Industria de Radio y Televisión ("CIRT") – *National Chamber for the Radio and Television Industry*- and its over 1,200 affiliated radio and television stations in Mexico, we formally request that the Federal Communications Commission ("FCC") do not allow unlicensed wireless devices to operate in the television "white spaces" without significant additional testing. CIRT is concerned that the FCC has not (1) sufficiently demonstrated that its proposed solution of spectrum sensing will prevent interference; and (2) coordinated its actions with Mexico, as required by the three agreements between our two countries regarding the minimization of interference in television channels.

CIRT is the trade association that represents all commercial Mexican radio and television broadcasters. Dating back to 1937, CIRT's objectives have been to represent, promote and defend the general interests of the Mexican radio and television industries, as well as to serve as a consultation and collaboration entity for the Mexican State on broadcasting matters. In addition, CIRT promotes participation of its members in public benefit cultural activities and works together with the Mexican Government in the development of strategies for the growth of radio, television and new point to multipoint technologies.

As the FCC is aware, emissions from unlicensed wireless devices do not respect international borders. Without adequate protection, such devices may cause unintended harmful interference to broadcast television stations located in Mexico. Such interference would be disruptive to Mexican citizens. The potential problem is not one-way, as it is also probably that unlicensed wireless devices operating in Mexico could interfere with broadcast television stations in the United States. Neither result is desirable.

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**CÁMARA NACIONAL DE LA INDUSTRIA DE RADIO Y TELEVISIÓN**

Av. Horacio No. 1013, Col. Polanco Reforma, Del. Miguel Hidalgo, C.P. 11550, México, D.F.  
Tel. (55) 5726-9909 Fax: (55) 5545-6767 cirt@cirt.com.mx <http://www.cirt.com.mx>



We understand that, as part of its upcoming resolution in the above captioned dockets, the FCC intends to require "spectrum sensing" technology to prevent unintended interference. The record before the FCC, however, places into doubt the ability of "spectrum sensing" technology to actually function as promised. CIRT joins with the numerous other commenters, including U.S. and Canadian broadcasters, that question the FCC's conclusions based on the limited tests undertaken. We urge the FCC to delay action on these matters and to consider a more robust examination of these issues with better and more rigorous analysis of any results.

In addition to the underlying interference-related concerns, CIRT believes that the FCC's proposed solution has not been fully vetted by Mexican officials charged with evaluating the cross-border ramifications of such an FCC decision. By proceeding without such approval, the FCC may be at odds with the three agreements between the United States of America and Mexico that require coordination of the spectrum associated with television services:

- (1) *Memorandum of Understanding Between the Federal Communications Commission of the United States of America and the Secretaría de Comunicaciones y Transportes of the United Mexican States Related to the Use of the 54-72 MHz, 174-216 MHz and 470-806 MHz Bands for the Digital Television Broadcasting Service Along the Common Border* (July 22, 1998);
- (2) *Agreement Relating to Assignments and Usage of Television Broadcasting Channels in the Frequency Range 470-806 MHz (Channels 14-69) Along the United States-Mexico Border* (June 18, 1982); and
- (3) *United States-Mexico VHF Television Agreement* (April 18, 1962).

Both the 1982 and 1962 Agreements specifically state that the respective countries will exchange of information and cooperate for "the purpose of minimizing interference and obtaining maximum efficiency in the use of television channels." (1982 Agreement, Section K; 1962 Agreement, Section L).<sup>1</sup> The FCC does not appear to have taken the steps required by those agreements and should not proceed with its intended action at this time.

<sup>1</sup> The 1998 Memorandum of Understanding requires coordination between the FCC and the Secretaría de Comunicaciones y Transportes for new DTV allotments. Section 4. The Memorandum of Understanding also left in place the 1982 and 1962 agreements.



Therefore, because of the questionable basis for the FCC's conclusion that "spectrum sensing" technology is viable and the lack of coordination between it and the Mexican Government, CIRT requests that the FCC delay action on its "white spaces" order until those deficiencies have been addressed through adequate equipment testing and the processes required by the applicable international agreements.

Thank you in advance for your prompt consideration of this matter.

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Javier Tejado  
Vice- President

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'A. Saenz', written over a horizontal line.

Alberto Saenz  
Secretary of the Board  
of Directors

cc: Honorable Michael J. Copps  
Honorable Jonathan S. Adelstein  
Honorable Deborah Taylor Tate  
Honorable Robert M. McDowell  
Marlene H. Dortch, Esq., Secretary